

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARCELLINO CHUMIL and JOSE CHUMIL,
*individually and on behalf of others similarly
situated,*

Plaintiffs,

-against-

TU CASA #2 RESTAURANT CORP. (D/B/A TU
CASA RESTAURANT), WILLIAM ALBA SR.,
WILLIAM ALBA JR., MARITZA DOE, CARLOS
DOE, and RODOLFO DOE,

Defendants.

Case No. 20-CV-04016 (RRM)(CLP)

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, and ordered
by the Court, that:

- (a) the Parties' settlement of claims under the Fair Labor Standards Act is fair and reasonable in accordance with *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015); and
- (b) the above-captioned action is dismissed *with prejudice* pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and without costs, disbursements or attorneys' fees to any party, except as provided for in the parties' settlement agreement; and
- (c) the Court shall retain jurisdiction of this matter for the sole purposes of enforcing the parties' settlement.

MICHAEL FAILLACE & ASSOCIATES, P.C. LITTLER MENDELSON, P.C.

By: /s/ Clela Errington
Clela Errington
60 East 42nd Street, Suite 4510
New York, New York 10165

Dated: May 6, 2021

By: Matthew R. Capobianco
Matthew R. Capobianco
290 Broadhollow Road, Suite 305
Melville, New York 11747

Dated: May 3, 2021

SO ORDERED:

U.S. District Court Judge

Dated